

## **Remarks**

### **I. Introduction**

This is in response to the Office Action dated March 18, 2010.

The Office Action rejected claims 1-9, 11, 12, 14-22, and 26-28 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,649,001 to Thomas et al. ("Thomas") in view of U.S. Publication No. 2001/0037491 to Boggs et al. ("Boggs"), further in view of U.S. Patent No. 6,307,880 to Evans et al. ("Evans"), further in view of U.S. Patent Application Publication No. 2001/0034246 to Hutchison, IV, et al. ("Hutchison").

Claim 10 was rejected under 35 U.S.C. §103(a) as being unpatentable over Thomas in view of Boggs further in view of Cisco Systems.

Claims 13 and 29 were rejected under 35 U.S.C. §103(a) as being unpatentable over Thomas in view of Boggs further in view of U.S. Patent No. 6,978,319 to Rostoker et al. ("Rostoker").

Claims 23-25 and 30-32 were rejected under 35 U.S.C. §103(a) as being unpatentable over Thomas in view of Boggs further in view of U.S. Publication No. 2003/0167391 to Al-Ali ("Al-Ali").

In response, Applicants have amended claims 1, 2, 9, 14, and 26. Claims 1-32 remain for consideration.

### **II. Rejections under 35 U.S.C. §103(a)**

The Office Action rejected claims 1, 2, 9, 14, and 26 under 35 U.S.C. §103(a) as being unpatentable over Thomas in view of Boggs further in view of Evans and further in view of Hutchison.

In order to “establish *prima facie* obviousness of a claimed invention, all claim limitations must be taught or suggested by the prior art.” In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). Furthermore, “all words in a claim must be considered in judging the patentability of that claim against the prior art.” In re Wilson, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). See also MPEP § 2143.03. The cited references, separately or in combination, do not teach or suggest all of the claim limitations of currently amended independent claims 1, 2, 9, 14, and 26. Therefore, Applicants request the withdrawal of the rejections under 35 U.S.C. §103(a).

The subject area of the present invention relates generally to a device, system, and method for the automatic configuration of a network communication device. In one embodiment a programmable cable is adapted to configure a network communications device. The programmable cable has one end connectable to a PLC and another end connectable to the network communications device.

In one embodiment described in paragraph [0017], “the network communications device can comprise a subscriber identity module (“SIM”). The SIM can be a memory device that stores information comprising a subscriber’s identification information and networks where the subscriber is entitled to service. The SIM can require a PIN to activate service....In certain embodiments, the network communications device 1300 can be inoperable without the SIM...The existence of a SIM that requires a PIN to operate can discourage unauthorized use or theft of the SIM and/or the network communications device 1300.” Paragraph [0016] states that “in an exemplary embodiment, the PIN number can be supplied by the programmable cable 1100 to the network communications device 1300 to allow operation of network communications device 1300.”

This aspect of a network communications device comprising a SIM, storing a PIN number associated with the SIM in the programmable cable, and supplying the PIN to the communications device in order to activate service and enable the network communication device is claimed in currently amended independent claim 1. Currently amended independent claim 1 includes the limitations of “a cellular telephone modem

comprising a subscriber identity module (SIM)... said programmable cable adapted to store a plurality of configuration parameters and a PIN number associated with the SIM... said programmable cable adapted to automatically configure said cellular telephone modem by communicating at least one of the configuration parameters and the PIN number to said cellular telephone modem, said PIN number required by said SIM to activate service and enable the cellular telephone modem to function."

Thomas, Boggs, Evans, and Hutchison, separately or in combination, do not teach or suggest each of these limitations. The Office Action admits that Thomas and Boggs do not teach a PIN number associated with enabling a network communications device to function. The Office Action states that Evans "teaches a PIN number utilized in the identification of a cellular device that allows for enabling the cellular telephone modem" and Hutchison teaches a telephone modem comprising a telephone modem comprising a subscriber identity module (SIM) utilized in activating service.

Evans discloses a cable ID and not a PIN. Further, although Evans discloses a cable ID, the cable ID of Evans is not described as associated with a SIM or a SIM that requires a PIN to activate service. In addition, although Hutchison discloses wireless communication device including a modem 120 and a SIM, Hutchison does not disclose the SIM requiring a PIN to activate service.

Evans is directed to a method and apparatus for automatically switching between voice and data communications as directed by a voice and data capable modem via a cable assembly incorporating a switching means for facilitating and inhibiting the routing of voice information to a voice telephone. A voice and data capable modem incorporates the software functionality associated with a voice and data capable protocol with minimal impact to the form factor associated with the modem, to reduce the impact to the form factor associated with integrated modem designs, the switching hardware associated with voice and data capability is incorporated into a cable assembly used to interconnect the voice and data capable modem with the voice

telephone. Additional means for identifying the cable assembly as having the requisite switching functionality is also provided.

In one embodiment of Evans, the means for identifying the cable assembly is cable identifier 92. Column 9, lines 13 – 17 state that “in FIG. 3 the cable identifier means is depicted as cable identifier 92... cable identifier 92 comprises a non volatile memory device, such as a read only memory (ROM) capable of being queried by the modem.”

As described above, Evans discloses a cable ID and not a PIN. Further, cable ID 92 of Evans is associated with Evans cable 66 and not with a SIM. No section of Evans discloses the use of a SIM or a SIM that requires a PIN to activate service. Although Hutchison discloses a wireless communication device comprising a SIM, the Hutchison SIM is not described as requiring a PIN to activate service and enable the cellular telephone modem to function.

Hutchison pertains to a method and circuit for interfacing a modem in a wireless communication device to a subscriber interface module. Hutchison Figure 1 depicts wireless communication device 104 having a signal processing module 108 including a modem 120 and a SIM 122. Although Hutchison paragraph [0040] describes SIM 122 including a memory containing information related to a subscriber/user, Hutchison does not describe the SIM as requiring a PIN to activate service.

Although Evans discloses a cable ID stored in a cable and Hutchison discloses a SIM, the cited references do not disclose a programmable cable adapted to store a PIN number associated with a SIM with the PIN number required by the SIM to activate service. Thus, Thomas, Boggs, Evans, and Hutchison, separately or in combination, do not disclose “a cellular telephone modem comprising a subscriber identity module (SIM)... said programmable cable adapted to store...a PIN number associated with the SIM... said programmable cable adapted to automatically configure said cellular telephone modem by communicating...the PIN number to said cellular telephone

modem, said PIN number required by said SIM to activate service and enable the cellular telephone modem to function" as recited in currently amended independent claim 1. As such, the cited references do not teach or suggest each and every limitation of claim 1.

Independent claims 2, 9, 14, and 26 each contain limitations similar to the limitation discussed above in connection with independent claim 1. Therefore, the cited references, separately or in combination, do not teach or suggest each and every limitation of independent claims 2, 9, 14, and 26 for reasons similar to those discussed above in connection with independent claim 1. As such, the cited references cannot render independent claims 1, 2, 9, 14, and 26 unpatentable under 35 U.S.C. §103(a). Accordingly, Applicants respectfully request withdrawal of the rejections of independent claims 1, 2, 9, 14, and 26 under 35 U.S.C. §103(a).

For the reasons discussed above, independent claims 1, 2, 9, 14, and 26 are allowable over the cited art. All remaining dependent claims are dependent upon an allowable independent claim and are therefore also allowable.

### III. No New Matter has Been Added

The amendments to claims 1, 2, 9, 14, and 26 do not add new matter. Support for the amendments can be found at least in paragraphs [0016] and [0017] of the specification as originally filed.

IV. Conclusion

For the reasons discussed above, all pending claims are allowable over the cited art. Reconsideration and allowance of all claims is respectfully requested.

Respectfully submitted,

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Date: June 14, 2010  
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